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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 OAKLAND DIVISION

14
15 UNITED STATES OF AMERICA,) No. CR-10-00039 SBA
16 Plaintiff,) STIPULATED REQUEST AND ORDER
17 v.) RESETTING BRIEFING SCHEDULE
18 TOMMY ANDRE GATES,)
a/k/a Tommy Gates Jr.,)
a/k/a Tommy Andre Gates Jr.,)
19)
20 Defendant.)
21 _____)

22 BRIEFING SCHEDULE

23 On June 29, 2010, defendant filed a Motion to Suppress Evidence in the above captioned
24 matter. The motion is currently set on this Court's calendar for a hearing on September 7, 2010
25 at 9:00 a.m. The parties jointly request that the Court modify the briefing schedule leading up to
26 the hearing date as follows: the Government's Opposition is due **August 3, 2010**; Defendant's

27 //

28 [PROPOSED] ORDER RE: STIPULATED REQUEST
CR-10-00039 SBA

1 Reply is due by **August 17, 2010**; and the hearing on the motion remains set for **September 7,**
2 **2010 at 9:00 a.m.** before this Court.¹

3 The parties are currently pursuing a possible resolution of the case outside of motion
4 practice. The government is also in the process of providing defense counsel with additional
5 discovery addressing the search of defendant at issue in the motion to suppress. The requested
6 modification will allow both parties the time necessary to review and analyze the additional
7 discovery, to pursue a possible resolution of the case, and to continue effective preparation of
8 legal research relevant to the motion to suppress. The requested extension does not alter the date
9 of the hearing on the motion. It remains set for September 7, 2010.

10 Accordingly, the two week extension for the Government's Opposition and Defendant's
11 Reply would provide both parties with two weeks, giving both parties the reasonable time
12 necessary for effective preparation, taking into account the exercise of due diligence. For this
13 reason, the parties respectfully request the Court grant this modification.

14 DATED: July 9, 2010

15 _____ /S/
SKYE DAVIS
16 Special Assistant United States Attorney

17 DATED: July 9, 2010

18 _____ /S/
ANGELA M. HANSEN
Assistant Federal Public Defender

25 _____
26 With the agreement of parties in open court on June 15, 2010, the Court excluded time
27 under the Speedy Trial Act from June 15, 2010, to September 7, 2010, due to both the pending
28 motion to suppress, and to allow the Government time to complete its expert review of a firearm
recovered in this case, as requested by the Defendant. The requested modification does not alter
that time-frame.

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court HEREBY ORDERS that the briefing schedule set by the court on June 21, 2010 is vacated and instead the schedule is set as follows: Defendant filed the Motion to Suppress Evidence on **June 29, 2010**; the Government's Opposition is due **August 3, 2010**; Defendant's Reply is due by **August 17, 2010**; and the hearing on the motion remains set for **September 7, 2010 at 9:00 a.m.** before this Court. The Court's order on June 15, 2010, excluding time between June 15, 2010, and September 7, 2010, remains unchanged.

DATED:7/15/10

HON. SAUNDRA BROWN ARMSTRONG
United States District Judge